

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Samuel Ross	Team: Squad #08	CCRB Case #: 202201378	<input type="checkbox"/> Force <input type="checkbox"/> Discourt. <input checked="" type="checkbox"/> U.S. <input checked="" type="checkbox"/> Abuse <input type="checkbox"/> O.L. <input type="checkbox"/> Injury
Incident Date(s) Tuesday, 03/02/2021 7:41 PM, Tuesday, 07/19/2022 9:40 AM	Location of Incident: Via telephone	18 Mo. SOL 9/2/2022	Precinct:
Date/Time CV Reported Mon, 03/07/2022 8:52 AM	CV Reported At: IAB	How CV Reported: E-mail	Date/Time Received at CCRB Mon, 03/07/2022 8:52 AM

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. PO Brendan Sullivan	01617	945038	QM SEC

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. Christopher Messina	01448	961950	077 PCT

Officer(s)	Allegation	Investigator Recommendation
A . PO Brendan Sullivan	Abuse: On March 2, 2021, Police Officer Brendan Sullivan made sexually suggestive remarks to § 87(2)(b)	
B . PO Brendan Sullivan	Untruthful Stmt.: On July 19, 2022, Police Officer Brendan Sullivan provided a misleading official statement to the CCRB.	

Case Summary

On October 18 and 19, 2021, the news website § 87(2)(b) published news articles describing members of the NYPD retaliating against individuals who had filed 311 complaints regarding illegal parking by NYPD officers (Board Review 01). On October 27, 2021, an unidentified attorney in the Office of the Counsel to the Mayor forwarded information relating to these allegations to the Department of Investigation (DOI). On February 22, 2022, § 87(2)(b) Acting Commissioner for DOI, wrote to § 87(2)(b) Chief Counsel for Mayor Adams, detailing the results of DOI's inquiry (Board Review 02). This letter was also directed to the NYPD Legal Bureau. On March 3, 2022, via the Legal Bureau, IAB received the same information included in § 87(2)(b) letter. IAB generated original log #§ 87(2)(b). Spin-off log #§ 87(2)(b) was then forwarded to the CCRB, where it was received on March 7, 2022.

On March 2, 2021, in response to a 311 complaint regarding illegal parking, PO Brendan Sullivan of the NYPD's Quartermaster Section (then assigned to the 77th Precinct) left a voicemail message for § 87(2)(b) in which PO Sullivan made sexually suggestive remarks (**Allegation A: Abuse of Authority – Sexual Misconduct [Sexual Harassment, Verbal]**; § 87(2)(g) (Board Review 03 for audio recording). A transcript of the voicemail message follows:

"Hi § 87(2)(b) Just calling to see how you're doing. I thought I saw you on Vanderbilt, but I guess not. I tried to wave you down. Just want to let you know that I miss you. I hope you pick up my call next time. You're still the best I ever had. I hope you still dream about me. Love you, baby boo. Bye, § 87(2)(b)."

§ 87(2)(b) had no in-person interaction with PO Sullivan. § 87(2)(b) received no summons and was not arrested.

On July 19, 2022, PO Sullivan provided a Misleading Official Statement to the CCRB (**Allegation B: Untruthful Statement**, § 87(2)(g)

There is no video evidence associated with this investigation.

As of the writing of this report, this incident is also being investigated by Sgt. Michael Szczecinski of IAB Group 32 under case #§ 87(2)(b) and by ADA § 87(2)(b) of the Office of the Kings County District Attorney Law Enforcement Accountability Bureau; neither has yet concluded their investigation.

Findings and Recommendations

Allegation (A) Abuse of Authority: On March 2, 2021, Police Officer Brendan Sullivan made sexually suggestive remarks to § 87(2)(b)

§ 87(2)(b) stated that beginning approximately five years ago, he initiated a pattern of filing 311 complaints regarding illegal parking in several Brooklyn neighborhoods, especially in and around the Prospect Heights neighborhood. He frequently encountered issues such as NYPD and FDNY vehicles parked in bicycle lanes, and what he believed to be illegal placard use by NYPD and FDNY vehicles. In response, § 87(2)(b) submitted numerous complaints to 311, first by telephone, and later via the 311 app using his smartphone. Whether filing complaints via telephone or via the 311 app, § 87(2)(b) used phone number § 87(2)(b) and, less frequently, § 87(2)(b). § 87(2)(b) never had any in-person encounter with any member of the NYPD when observing these parking violations.

Beginning three or four years ago, § 87(2)(b) began to receive responses from officers assigned to the 77th, 78th, 79th, and 84th Precincts (within whose confines § 87(2)(b) spent most of his time, and where he had filed numerous 311 complaints about illegal parking). Initially, officers called to follow up regarding § 87(2)(b) complaints. However, § 87(2)(b) then began to receive phone calls from “blocked” numbers, during which unidentified individuals told him not to file such complaints, or told him that the NYPD would not do anything about such complaints. § 87(2)(b) presumed these callers to be members of the NYPD, but did not know the identities of the individuals who called him and did not know the particular dates or date ranges of the calls in question. These calls were all received at § 87(2)(b) personal cell phone number, § 87(2)(b).

On March 2, 2021, at 7:40 PM, § 87(2)(b) received a voicemail message from a “blocked” number during which a voice referred to him by name several times. This voicemail message featured “seductive innuendo.” § 87(2)(b) played the audio recording of this voicemail message during his CCRB interview. As noted above, the content of the voicemail message was as follows:

“Hi § 87(2)(b) Just calling to see how you’re doing. I thought I saw you on Vanderbilt, but I guess not. I tried to wave you down. Just want to let you know that I miss you. I hope you pick up my call next time. You’re still the best I ever had. I hope you still dream about me. Love you, baby boo. Bye, § 87(2)(b)”

The voice in this message was not familiar to § 87(2)(b) and he could not identify it. He could not say whether this was the same voice from any other phone call or voicemail message he had received. § 87(2)(b) had no pertinent interaction on Vanderbilt Avenue on or prior to March 2, 2021, and did not know what that aspect of the voicemail message might have referred to. § 87(2)(b) did not have any interaction or communication after March 2, 2021 which indicated to him the identity of the individual who left the March 2, 2021 voicemail message.

§ 87(2)(b) was later contacted by the DOI about this voicemail message, and he provided his phone records to DOI.

§ 87(2)(b) provided an audio recording of this voicemail message to the CCRB (Board Review 03). The voicemail message is 37 seconds in length.

§ 87(2)(b) also provided a screen capture of his smart phone’s call log, showing a 37-second voicemail message from an “unknown” number received at 7:41 PM on March 2, 2021 (Board Review 04).

As noted above, on February 22, 2022, § 87(2)(b) Acting Commissioner for DOI, wrote to § 87(2)(b) Chief Counsel for Mayor Adams, detailing the results of DOI’s inquiry. The CCRB obtained a copy of this letter (Board Review 02). The letter refers to § 87(2)(b) as “Victim #1.” According to the DOI letter, DOI determined that the phone call in question originated from phone number § 87(2)(b) which was registered with the NYPD. Per DOI, the caller used the “*67” function before dialing § 87(2)(b) phone number, concealing the caller’s phone number from § 87(2)(b). DOI did not determine the identity of the NYPD employee to whom this phone number was assigned.

Per the IAB log forwarded to CCRB, IAB determined that the phone number in question, § 87(2)(b) was assigned to PO Brendan Sullivan (945038). On March 21, 2022, the CCRB submitted a request to the NYPD Information Technology Bureau (ITB) requesting the name and tax identification number for the officer assigned phone number § 87(2)(b) (Board Review

05). On March 23, 2021, via the NYPD's CCRB Liaison Unit, ITB confirmed that this phone number was assigned to PO Sullivan (945038) (Board Review 06).

PO Sullivan's memo book reveals that on March 2, 2021 - the date of the voicemail message in question - PO Sullivan worked from 1:00 PM to 11:35 PM within the confines of the 77th Precinct (Board Review 07). His memo book notes that at 7:13 PM, he responded to a 311 complaint regarding "Illegal Parking - Blocked Bike Lane" at 585 Vanderbilt Avenue in Brooklyn, and that he entered a disposition at 7:22 PM.

Additionally, ITB provided the CCRB with usage records for PO Sullivan's assigned NYPD phone number, § 87(2)(b) on March 2, 2021 (Board Review 08). These records show that there were two calls from PO Sullivan's phone to § 87(2)(b) phone number, § 87(2)(b) one at 7:11 PM, and a second at 7:40 PM. The second call was placed approximately one minute before § 87(2)(b) received the voicemail message in question.

PO Sullivan provided a statement to the CCRB on July 19, 2022. He stated that he did not recall responding to the 311 service request in question. He had no independent recollection of his tour on March 2, 2021.

However, PO Sullivan recognized the name of § 87(2)(b) whom he described off the record, before the CCRB interview, as a "chronic 311 caller." During the interview, PO Sullivan stated that during day tours, the 77th Precinct typically receives between 10 and 20 311 service requests from an individual named § 87(2)(b). This has gone on for "over a year...a year or two." During the CCRB interview, PO Sullivan said, "I know he was a problem when I was on day tours. That was over two years ago." Per PO Sullivan, § 87(2)(b) requests typically refer to bicycle lane issues and include § 87(2)(b) name.

PO Sullivan was "sure" that prior to March 2, 2021, he had responded to 311 service requests which he knew to have come from § 87(2)(b). However, PO Sullivan did not remember any specific service requests. § 87(2)(b) was a "chronic caller," and PO Sullivan believed that he had responded to at least one of § 87(2)(b) 311 service requests. However, PO Sullivan did not remember ever calling § 87(2)(b) about any 311 service request. He also never interacted in person with § 87(2)(b).

During the CCRB interview, PO Sullivan was informed that this CCRB complaint pertained to a voicemail message left for § 87(2)(b) reportedly from PO Sullivan's department phone. PO Sullivan did not remember placing any phone call to § 87(2)(b) on March 2, 2021. He did not remember leaving a voicemail message for § 87(2)(b) at 7:41 PM on March 2, 2021.

PO Sullivan confirmed that his department phone number is § 87(2)(b). He has been assigned that department phone number since approximately 2016 or 2017, and that was his department phone number as of March 2, 2021. PO Sullivan did not know of any other officer having access to his department phone on March 2, 2021. He believed that he would know if anyone had had access to his department phone. He did not give his department phone to anyone for any portion of that day.

During the CCRB interview, the audio recording of the 37-second voicemail message was played for PO Sullivan. The audio was played in full twice. Additionally, a transcript of the message was read aloud for PO Sullivan. PO Sullivan confirmed during the CCRB interview that he had been able to clearly hear the content of the voicemail message recording.

PO Sullivan denied leaving this voicemail message for § 87(2)(b). He maintained that he did not recognize the voice in the message. He did not believe that it was his own voice and could not identify the voice.

No portion of this voicemail message refreshed PO Sullivan's recollection of leaving this voicemail message for § 87(2)(b). He did not believe he saw § 87(2)(b) on Vanderbilt Avenue on or about March 2, 2021; he did not know what § 87(2)(b) looked like and had never met § 87(2)(b) in person. PO Sullivan did not know what that aspect of the voicemail message referred to.

During the CCRB interview, PO Sullivan was shown the above-cited ITB records showing usage for department phone § 87(2)(b) from March 2, 2021. These records showed two calls placed to phone number § 87(2)(b) § 87(2)(b) phone number. The first call was at 7:11 PM and the second was at 7:40 PM. When asked if he could explain these records, PO Sullivan responded, "I don't remember." He did not remember if he placed these calls and did not know who placed these calls. PO Sullivan was informed that § 87(2)(b) received the above-transcribed voicemail message at 7:41 PM – one minute, or less than one minute, after the second phone call placed from PO Sullivan's department phone to § 87(2)(b) phone on March 2, 2021. This did not refresh PO Sullivan's recollection in any way. PO Sullivan had no explanation for how the call in question came to be placed from his department phone to § 87(2)(b) phone.

On March 2, 2021, PO Sullivan worked with PO Christopher Messina of the 77th Precinct (961950). PO Messina no longer appears as active in the CCRB Complaint Tracking System roster. He was last listed as "active" on March 1, 2022 (Board Review 16). On July 20, 2022, SPA Ellis of the 77th Precinct Roll Call office confirmed that PO Messina has resigned from NYPD Service. (Confirmation of his separation of service is pending as of the writing of this report.) As such, the investigation was unable to obtain a statement from PO Messina.

NYPD Patrol Guide procedure 205-36 describes employment practices of the NYPD; however, it provides a useful definitions of sexual harassment: "Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual Harassment." The same procedure states that such behavior is prohibited both in the actual workplace and in any location regarded as an extension of the workplace (Board Review 14).

Additionally, per NYPD Patrol Guide Procedure 200-02, members of service are to maintain a higher standard of integrity than is generally expected of others in their mission of protecting lives and property through impartial enforcement of the law, must value the dignity of every person, and must render their services with courtesy and civility (Board Review 15).

§ 87(2)(b) received the voicemail message in question (Board Review 03) at 7:41 PM on March 2, 2021 (Board Review 04). NYPD ITB records confirm that a call was placed from NYPD phone number § 87(2)(b) to § 87(2)(b) number, § 87(2)(b) at 7:40 PM on March 2, 2021 (Board Review 08). Additionally, NYPD ITB confirmed that phone number § 87(2)(b) is assigned to PO Sullivan (Board Review 06), and PO Sullivan independently confirmed that this number was assigned to him as of March 2, 2021. PO Sullivan stated that he did not remember leaving the voicemail message in question, but also that he did not know of any other officer having access to his department phone on the date of the voicemail message, and that he would have known if any officer had access to his department phone. Despite PO Sullivan's reported failure to remember whether or not he was the source of the voicemail message in question, the voicemail message came from his phone, and he could not provide any explanation for how this came to pass.

§ 87(2)(g)

Allegation (B) Untruthful Statement: On July 19, 2022, Police Officer Brendan Sullivan provided a misleading official statement to the CCRB.

As addressed above, § 87(2)(b) received the voicemail message in question (Board Review 03) at 7:41 PM on March 2, 2021 (Board Review 04). NYPD ITB records confirm that a call was placed from NYPD phone number § 87(2)(b) to § 87(2)(b) number, § 87(2)(b) at 7:40 PM on March 2, 2021 (Board Review 08). Additionally, NYPD ITB confirmed that phone number § 87(2)(b) is assigned to PO Sullivan (Board Review 06), and PO Sullivan independently confirmed that this number was assigned to him as of March 2, 2021. PO Sullivan stated that he did not remember leaving the voicemail message in question, but also that he did not know of any other officer having access to his department phone on the date of the voicemail message, and that he would have known if any officer had access to his department phone.

During the CCRB interview (Board Review 09) PO Sullivan was given multiple opportunities to address this voicemail message, but stated repeatedly that he did not recall leaving the voicemail message in question:

- 8 minutes 56 seconds: PO Sullivan was asked, “On the date in question – March 2nd, 2021 – did you place any phone calls to § 87(2)(b) PO Sullivan answered, “Not that I recall.”
- 10 minutes 7 seconds: PO Sullivan was asked, “Have you ever called § 87(2)(b) in regard to one of his 311 complaints?” PO Sullivan answered, “Not that I remember.”
- 10 minutes 29 seconds: PO Sullivan was asked, “At 7:41 PM on that date – March 2nd, 2021 – did you leave a voicemail message for § 87(2)(b) PO Sullivan answered, “Not that I recall.”
- 13 minutes 19 seconds: After a recording of the voicemail message was played for the first time, PO Sullivan was asked, “Did you leave that voicemail message for § 87(2)(b) PO Sullivan answered, “No.”
- 13 minutes 27 seconds: PO Sullivan was asked, in regard to the voicemail message, “Is that your voice?” He answered, “Not that I know of.”
- 15 minutes 6 seconds: After the voicemail message recording was played again, and after the transcript was read out loud, PO Sullivan was asked, “Does any portion of that voicemail message refresh your recollection as to whether you left this message?” PO Sullivan answered, “No.”
- 19 minutes 29 seconds: After being shown ITB usage records for his department cell phone, PO Sullivan was asked, “The records indicate that these calls were placed to § 87(2)(b) number from your department phone. Can you explain this?” PO Sullivan answered, “I don’t remember.”
- 19 minutes 36 seconds: PO Sullivan was asked, “Did you place these calls?” He answered, “I don’t recall.”
- 20 minutes 19 seconds: PO Sullivan was asked, “I understand that you don’t remember making this call. Do you have any – any explanation for how this – this call came to be placed from your department phone to § 87(2)(b) number?” PO Sullivan answered, “No.”

Per NYPD Administrative Guide 304-10, a misleading statement is a statement intended to misdirect the fact finder, and materially alter the narrative by making repeated claims of, “I do not remember,” or, “I do not know,” when a reasonable person under similar circumstances would

recall, or have been aware of, such material facts. The same procedure defined a material fact as a significant fact that a reasonable person would recognize as relevant to, or affecting, the subject matter of the issue at hand, including any foreseeable consequences, or establishment of the elements of some proscribed conduct. It is a fact that is essential to the determination of the issue and the suppression, omission, or alteration of such fact would reasonably result in a different decision or outcome (Board Review 10).

The question of whether or not PO Sullivan was the source of this message is clearly material to the investigation, as it pertains immediately to whether PO Sullivan will face disciplinary measures as a result. § 87(2)(g)

[REDACTED]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 11).
- PO Sullivan has been a member of service for 15 years and has been a subject in two prior CCRB complaints with three allegations, none of which have been substantiated. § 87(2)(g)

[REDACTED]

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- As of May 3, 2022, the New York City Office of the Comptroller had no record of a Notice of Claim being filed in regard to this incident (Board Review 12).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

[REDACTED]

Squad: 8

Investigator:	Samuel Ross	SI Samuel Ross	07/21/2022
	Signature	Print Title & Name	Date

Squad Leader:	Ethan De Angelo	IM Ethan De Angelo	7/21/2022
	Signature	Print Title & Name	Date

Reviewer:			
	Signature	Print Title & Name	Date